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Application No. 10/699,595
Docket No. 58584.US/1458.7

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: THOMSON, Howard M.
Serial No.: 10/699,595
Filed: 10/31/2003
For: CORROSION RESISTANT PRESTRESSED CONCRETE FLOAT SYSTEM
Examiner: WRIGHT, Andrew D.
Group Art Unit: 3617
Confirmation No. 1884

APPELLANT'S BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This brief is filed following the Notice of Appeal filed on December 13, 2004, and in response to the Notice of Non-Compliant Appeal Brief mailed May 2, 2005. It is submitted that this new brief complies with 37 CFR 41.37.

In the event this brief is not timely filed, Applicant hereby petitions for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to our Deposit Account No. 12-2355.

REAL PARTY IN INTEREST

The real party in interest is the Applicant, Howard M. Thomson, 984 Country

Club Lane, Jackson, Tennessee 38305.

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RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

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venting structure. Accordingly, the Examiner has again pieced together components from the prior art using the Appellant's disclosure as a template.

In conclusion, it is submitted that the Examiner has engaged in impermissible hindsight reconstruction of the invention, by selectively choosing portions of the references and combining the portions of the references to provide the claimed invention without motivation from the references themselves to make the specific combination.

It is therefore respectfully requested that the rejections of Claims 1-8 be reversed and the case passed to allowance.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By: 

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent Office, Fax No. 703-872-9306, Examiner Andrew D. Wright, Group Art Unit 3617 on the date shown below.

May 19, 2005
Date


Robert O. Fox, Reg. No. 34,165

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